



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Utah State Office
P.O. Box 45155
Salt Lake City, UT 84145-0155
<http://www.blm.gov>



MAR 03 2004

IN REPLY REFER TO:
3590
UTU-0122694
(UT-923)

CERTIFIED MAIL--Return Receipt Requested

Mr. Stan Wagner
Ziegler Chemical and Mineral
Star Route
Vernal, Utah 84078

Re: Mine Plan Modification Approval, Federal gilsonite lease UTU-0122694

Dear Mr. Wagner:

MINE PLAN MODIFICATION APPROVAL

Background: The Bureau of Land Management (BLM) Utah State Office, received your mine plan modification for a number of items and one particular was an escapeway located SE on the Little Emma Vein on November 23, 1999. A Finding of No Significant Impact (FONSI) was issued on December 7, 2000.

Approval: The mining plan modification is approved to establish an escapeway located SE from the shaft on the Little Emma vein for the Tom Taylor mine as shown in enclosure 1. The following condition of approval and notice(s) will apply to this approval:

Condition of Approval

1. **Visual Resources:** Within (60) sixty days of the Authorized officer approval, all surface disturbances, facilities or ancillary equipment within the view shed of the White River, which have been in place since July 1997, when the current mining plan for the Tom Taylor mine was approved, shall conform to the following characteristics:

(1) Shape and Form – Any facilities, disturbances or equipment shall be screened or the shape and form shall blend with the surrounding landscape so as not to attract the attention of the casual observer.

(2) Color – The color adapted to the shape and form shall be of similar tone and value (appearance) such that it blends into the surrounding color scheme of the landscape, and

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(3) Texture – The texture of the shape and form shall match the pattern or structure of the surrounding area.

Notice(s)

Exploration: Prior to the drilling of surface exploratory holes, the lessee/operator shall submit to the AO for approval the location, depth and abandonment procedures.

Bond: BLM has addressed the bond amount under separate cover to Ziegler Chemical and Mineral Company and must be in-place prior to startup. BLM may adjust the bond amount at any time.

Appeal Rights: You have 30 days to appeal this approval to the Board of Land Appeals, Office of the Secretary, in accordance with the regulation at 43 CFR Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office within 30 days following the date of this approval. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and the petition for a stay must also be submitted to the Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

For further information contact Mr. Stan Perkes at (801) 539-4036.

Sincerely,

James F. Kohler

James F. Kohler
Chief, Solid Minerals Branch

Enclosures

1. Form 1842-1
2. Map

cc: VFO
Utah Division of Oil, Gas, and Mining (Attn. Doug Jensen)